



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

RESEARCH APPENDIX - **PLEASE DO NOT REMOVE FROM DRAFTING FILE**

Date Added To File: 12-??-2002 (Per: PJK)



☞ The drafting file for 2001 LRB -4163

has been transferred to the drafting file for

2003 LRB -0907

☞ This cover sheet, the final request sheet, and the final version of the 2001 draft were copied on yellow paper, and returned to the original 2001 drafting file.

☞ The attached 2001 draft was incorporated into the new 2003 draft listed above. For research purposes, this cover sheet and the complete drafting file were transferred, as a separate appendix, to the 2003 drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

2001 DRAFTING REQUEST**Bill**Received: **10/31/2001**Received By: **kahlepj**Wanted: **As time permits**

Identical to LRB:

For: **Marlin Schneider (608) 266-0215**By/Representing: **Cynthia Kieper**This file may be shown to any legislator: **NO**Drafter: **kahlepj**

May Contact:

Addl. Drafters:

Subject: **Insurance - health**

Extra Copies:

Submit via email: **YES**Requester's email: **Rep.Schneider@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Requiring insurance coverage of vaccinations for agents of terrorist attacks

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	kahlepj 02/05/2002	rschluet 02/28/2002		_____			S&L
/1			kfollet 03/01/2002	_____	lrb_docadmin 03/01/2002		

03/01/2002 12:30:18 PM

Page 2

FE Sent For:

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2001 DRAFTING REQUEST**Bill**Received: **10/31/2001**Received By: **kahlepj**Wanted: **As time permits**

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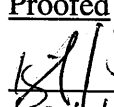
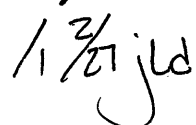
Topic:

Requiring insurance coverage of vaccinations for agents of terrorist attacks

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1?	kahlepj	 25-2	 2/28	 3/14			
FE Sent For:		 1/27 jld					

<END>

Kahler, Pam

From: Kieper, Cynthia L.
Sent: Tuesday, October 30, 2001 4:53 PM
To: Kahler, Pam
Subject: Bill for Representative Schneider

A bill that requires insurance companies to cover Anthrax and Small Pox vaccinations or any other ^{biological agent} bacteriological or viral agents determined by medical examining boards or Emergency Government as potential terrorist attacks.

Thanks Cynthia L. Kieper
266-0215

division of (by rule or)
in the dept of military affairs

the medical examining board?

rules?

From the U.S. Code Online via GPO Access
[wais.access.gpo.gov]
[Laws in effect as of January 23, 2000]
[Document affected by Public Law 106-65 Section 1067(4)]
[CITE: 50USC1520a]

TITLE 50--WAR AND NATIONAL DEFENSE

CHAPTER 32--CHEMICAL AND **BIOLOGICAL** WARFARE PROGRAM

Sec. 1520a. Restrictions on use of human subjects for testing of
chemical or **biological** agents

(a) Prohibited activities

The Secretary of Defense may not conduct (directly or by contract)--

- (1) any test or experiment involving the use of a chemical **agent** or **biological agent** on a civilian population; or
- (2) any other testing of a chemical **agent** or **biological agent** on human subjects.

(b) Exceptions

Subject to subsections (c), (d), and (e) of this section, the prohibition in subsection (a) of this section does not apply to a test or experiment carried out for any of the following purposes:

- (1) Any peaceful purpose that is related to a medical, therapeutic, pharmaceutical, agricultural, industrial, or research activity.
- (2) Any purpose that is directly related to protection against toxic chemicals or **biological** weapons and agents.
- (3) Any law enforcement purpose, including any purpose related to riot control.

(c) Informed consent required

The Secretary of Defense may conduct a test or experiment described in subsection (b) of this section only if informed consent to the testing was obtained from each human subject in advance of the testing on that subject.

(d) Prior notice to Congress

Not later than 30 days after the date of final approval within the Department of Defense of plans for any experiment or study to be conducted by the Department of Defense (whether directly or under contract) involving the use of human subjects for the testing of a chemical **agent** or a **biological agent**, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report setting forth a full accounting of those plans, and the experiment or study may then be conducted only after the end of the 30-day period beginning on the date such report is received by those committees.

(e) **Biological agent** defined

In this section, the term **biological agent** means any micro-organism (including bacteria, viruses, fungi, rickettsiac, or protozoa),

pathogen, or infectious substance, and any naturally occurring, bioengineered, or synthesized component of any such micro-organism, pathogen, or infectious substance, whatever its origin or method of production, that is capable of causing--

- (1) death, disease, or other **biological** malfunction in a human, an animal, a plant, or another living organism;
- (2) deterioration of food, water, equipment, supplies, or materials of any kind; or
- (3) deleterious alteration of the environment.

(Pub. L. 105-85, div. A, title X, Sec. 1078, Nov. 18, 1997, 111 Stat. 1915; Pub. L. 106-65, div. A, title X, Sec. 1067(4), Oct. 5, 1999, 113 Stat. 774.)

Codification

Section is comprised of section 1078 of Pub. L. 105-85. Subsec. (f) of section 1078 of Pub. L. 105-85 amended section 1523(b) of this title. Subsec. (g) of section 1078 of Pub. L. 105-85 repealed section 1520 of this title.

Section was enacted as part of the National Defense Authorization Act for Fiscal Year 1998, and not as part of Pub. L. 91-121, title IV, Sec. 409, Nov. 19, 1969, 83 Stat. 209, which comprises this chapter.

Amendments

1999--Subsec. (d). Pub. L. 106-65 substituted ``and the Committee on Armed Services'' for ``and the Committee on National Security''.



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-4163/

PJK:.....

rs & jld

LRS - Check auto refs

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

D-note

gen cat

- 1 AN ACT... relating to: health insurance coverage of vaccinations against small
- 2 pox, anthrax, and other diseases caused by biological agents of potential
- 3 terrorist attacks. → and granting rule-making authority

Analysis by the Legislative Reference Bureau

This bill requires health care plans to cover the cost of vaccinations against small pox, anthrax, and any other disease or biological malfunction that is caused by a biological agent specified by the division of emergency management in the department of military affairs, as having the potential for use in terrorist attacks. The coverage requirement applies to both individual and group health insurance policies and plans, including defined network plans (formerly ~~known as~~ managed care plans) and cooperative sickness care associations; to health plans offered by the state to its employees, including a self-insured plan; and to self-insured health plans of counties, cities, towns, villages, and school districts. The requirement specifically does not apply to limited-scope benefit plans, such as vision or dental plans, or to policies covering only certain specified diseases. The requirement may be subject to any limitations, exclusions, or cost-sharing provisions that apply generally under the policy or plan.

The bill requires the division of emergency management to specify by rule biological agents that have the potential for use in terrorist attacks. A biological agent is defined as a microorganism, pathogen, or infectious substance that is capable of causing disease or other biological malfunction, including death, in a human.

remove 2 spaces

(division)

in the statutes

called

generally

in the department of military affairs

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

→ Sec #. 40.51(8) of the statutes is amended:

40.51 (8) Every health care coverage plan offered by the state under sub. (6) shall comply with ss. 631.89, 631.90, 631.93 (2), 631.95, 632.72 (2), 632.746 (1) to (8) and (10), 632.747, 632.748, 632.83, 632.835, 632.85, 632.853, 632.855, 632.87 (3) to (5), 632.895 (5m) and (8) to ~~(14)~~ (15), and 632.896.

SECTION ~~1~~. 40.51 (8m) of the statutes is amended to read:

40.51 (8m) Every health care coverage plan offered by the group insurance board under sub. (7) shall comply with ss. 631.95, 632.746 (1) to (8) and (10), 632.747, 632.748, 632.83, 632.835, 632.85, 632.853, 632.855, and 632.895 (11) to ~~(14)~~ (15).

SECTION ~~2~~. 66.0137 (4) of the statutes is amended to read:

66.0137 (4) SELF-INSURED HEALTH PLANS. If a city, including a 1st class city, or a village provides health care benefits under its home rule power, or if a town provides health care benefits, to its officers and employees on a self-insured basis, the self-insured plan shall comply with ss. 49.493 (3) (d), 631.89, 631.90, 631.93 (2), 632.746 (10) (a) 2. and (b) 2., 632.747 (3), 632.85, 632.853, 632.855, 632.87 (4) and (5), 632.895 (9) to ~~(14)~~ (15), 632.896, and 767.25 (4m) (d).

SECTION 3. 111.91 (2) (n) of the statutes is amended to read:

111.91 (2) (n) The provision to employees of the health insurance coverage ^{state plan} required under s. ~~ss~~ 632.895 (11) to ~~(14)~~ (15).

SECTION 4. 120.13 (2) (g) of the statutes is amended to read:

120.13 (2) (g) Every self-insured plan under par. (b) shall comply with ss. 49.493 (3) (d), 631.89, 631.90, 631.93 (2), 632.746 (10) (a) 2. and (b) 2., 632.747 (3),

632.85, 632.853, 632.855, 632.87 (4) and (5), 632.895 (9) to ~~(14)~~ (15), 632.896, and 767.25 (4m) (d).

SECTION 5. 166.35[✓] of the statutes is created to read:

166.35 Rules specifying biological agents of terrorist attacks. (1) In this section, [✓]“biological agent” means any microorganism; including a bacterium, virus, fungus, rickettsia, or protozoan; pathogen; or infectious substance; or any naturally occurring, bioengineered, or synthesized component of a [✓]microorganism, pathogen, or infectious substance; that is capable of causing disease or other biological malfunction, including death, in a human.

(2) The division [✓]shall promulgate rules that specify biological agents that have the potential for use in terrorist attacks.

SECTION 6. 185.981 (4t)[✓] of the statutes is amended to read:

185.981 (4t) A sickness care plan operated by a cooperative association is subject to ss. 252.14, 631.17, 631.89, 631.95, 632.72 (2), 632.745 to 632.749, 632.85, 632.853, 632.855, 632.87 (2m), (3), (4)[✓] and (5), 632.895 (10) to ~~(14)~~ (15), and 632.897 (10) and chs. 149 and 155.

SECTION 7. 185.983 (1) (intro.)[✓] of the statutes is amended to read:

185.983 (1) (intro.) Every such voluntary nonprofit sickness care plan shall be exempt from chs. 600 to 646, with the exception of ss. 601.04, 601.13, 601.31, 601.41, 601.42, 601.43, 601.44, 601.45, 611.67, 619.04, 628.34 (10), 631.17, 631.89, 631.93, 631.95, 632.72 (2), 632.745 to 632.749, 632.775, 632.79, 632.795, 632.85, 632.853, 632.855, 632.87 (2m), (3), (4)[✓] and (5), 632.895 (5) and (9) to ~~(14)~~ (15), 632.896[✓], and 632.897 (10) and chs. 609, 630, 635, 645, and 646, but the sponsoring association shall:

SECTION 8. 609.88[✓] of the statutes is amended to read:

as affected by 2001 Wisconsin Act 16,

1 **609.88 Coverage of immunizations.** Defined network plans are subject to
2 s. 632.895 (14) and (15).[✓]

3 ~~History: 1999 a. 115, 2001 a. 10.~~

3 **SECTION 9.** 632.895 (15)[✓] of the statutes is created to read:

4 **632.895 (15) COVERAGE FOR VACCINATIONS RELATED TO BIOTERRORISM.** (a) Subject
5 to par. (b)[✓] and except as provided in par. (c), every disability insurance policy, and
6 every self-insured health plan of the state or a county, city, village, town, or school
7 district, shall provide coverage of the cost of vaccines, and administration of the
8 vaccines, against all of the following:

9 1. Small pox.

10 2. Anthrax.

11 3. Any other disease or biological malfunction that is caused by a biological
12 agent that the division of emergency management ~~determines~~^{specifies by rule under s. 166.35 as} the potential for
13 use in a terrorist attack. ~~as specified by rule under s. 166.35~~^{having}

14 (b) The coverage required under this subsection[✓] may be subject to any
15 limitations, exclusion,^s or cost-sharing provisions that apply generally under the
16 disability insurance policy or self-insured health plan.

17 (c) This subsection does not apply to any of the following:

18 1. A disability insurance policy that covers only certain specified diseases.

19 2. A health care plan offered by a limited service health organization, as defined
20 in s. 609.01 (3),[✓] or by a preferred provider plan, as defined in s. 609.01 (4),[✓] that is not
21 a defined network plan, as defined in s. 609.01 (1b).[✓]

22 **SECTION 10. Initial applicability.**

23 (1) This act first applies to all of the following:

1

(a) Except as provided in paragraphs (b) and (c), disability insurance policies that are issued or renewed, and self-insured health plans that are established, extended, modified, or renewed, on the effective date of this [✓] paragraph.

2

3

4

(b) Disability insurance policies covering employees who are affected by a collective bargaining agreement containing provisions inconsistent with this act that are issued or renewed on the earlier of the following:

5

6

7

1. The day on which the collective bargaining agreement expires.

8

9

2. The day on which the collective bargaining agreement is extended, modified, or renewed.

10

11

12

(c) Self-insured health plans covering employees who are affected by a collective bargaining agreement containing provisions inconsistent with this act that are established, extended, modified, or renewed on the earlier of the following:

13

14

15

1. The day on which the collective bargaining agreement expires.

2. The day on which the collective bargaining agreement is extended, modified,

or renewed.

16

SECTION 11. Effective date.

17

18

(1) This act takes effect on the first day of the [✓] 6th month beginning after publication.

19

(END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4163/~~dn~~¹
PJK:.....

rs + jld

Date

, as you indicated in the request for the bill

I required the rules specifying biological agents of potential terrorist attacks to be promulgated by the division of emergency management in the department of military affairs. I discussed with Mark Kunkel having the medical examining board promulgate rules. Since that board is mainly concerned with requirements for licensing medical providers, it would not have expertise in determining what biological agents might be used in terrorist attacks. The department health and family services would have expertise in vaccination and disease issues, however. DHFS already promulgates rules related to immunizations for children. (See s. 252.04.) Would you like DHFS to promulgate rules also? Instead? Alternatively, DHFS or the division of emergency management could promulgate rules after consulting with the other. (See s. 101.598 (1), ~~★~~ which the department of commerce promulgates rules related to infectious agents after consultation with DHFS.)

stats

Stats. J. Kahler

Pamela J. Kahler
Senior Legislative Attorney
Phone: (608) 266-2682
E-mail: pam.kahler@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4163/1dn
PJK:rs&jld:kjf

March 1, 2002

I required the rules specifying biological agents of potential terrorist attacks to be promulgated by the division of emergency management in the department of military affairs. I discussed with Mark Kunkel having the medical examining board promulgate rules, as you indicated in the request for the bill. Since that board is mainly concerned with requirements for licensing medical providers, it would not have expertise in determining what biological agents might be used in terrorist attacks. The department health and family services would have expertise in vaccination and disease issues, however. DHFS already promulgates rules related to immunizations for children. (See s. 252.04, stats.) Would you like DHFS to promulgate rules also? Instead? Alternatively, DHFS or the division of emergency management could promulgate rules after consulting with the other. (See s. 101.598 (1), stats., under which the department of commerce promulgates rules related to infectious agents after consultation with DHFS.)

Pamela J. Kahler
Senior Legislative Attorney
Phone: (608) 266-2682
E-mail: pam.kahler@legis.state.wi.us



2001 BILL

1 AN ACT *to amend* 40.51 (8), 40.51 (8m), 66.0137 (4), 111.91 (2) (n), 120.13 (2) (g),
2 185.981 (4t), 185.983 (1) (intro.) and 609.88; and *to create* 166.35 and 632.895
3 (15) of the statutes; **relating to:** health insurance coverage of vaccinations
4 against small pox, anthrax, and other diseases caused by biological agents of
5 potential terrorist attacks and granting rule-making authority.

Analysis by the Legislative Reference Bureau

This bill requires health care plans to cover the cost of vaccinations against small pox, anthrax, and any other disease or biological malfunction that is caused by a biological agent specified by the division of emergency management in the department of military affairs (division) as having the potential for use in terrorist attacks. The coverage requirement applies to both individual and group health insurance policies and plans, including defined network plans (formerly called managed care plans in the statutes) and cooperative sickness care associations; to health plans offered by the state to its employees, including a self-insured plan; and to self-insured health plans of counties, cities, towns, villages, and school districts. The requirement specifically does not apply to limited-scope benefit plans, such as vision or dental plans, or to policies covering only certain specified diseases. The requirement may be subject to any limitations, exclusions, or cost-sharing provisions that apply generally under the policy or plan.

The bill requires the division to specify by rule biological agents that have the potential for use in terrorist attacks. A biological agent is generally defined as a

BILL

microorganism, pathogen, or infectious substance that is capable of causing disease or other biological malfunction, including death, in a human.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 40.51 (8) of the statutes is amended to read:

2 40.51 (8) Every health care coverage plan offered by the state under sub. (6)
3 shall comply with ss. 631.89, 631.90, 631.93 (2), 631.95, 632.72 (2), 632.746 (1) to (8)
4 and (10), 632.747, 632.748, 632.83, 632.835, 632.85, 632.853, 632.855, 632.87 (3) to
5 (5), 632.895 (5m) and (8) to ~~(14)~~ (15), and 632.896.

6 **SECTION 2.** 40.51 (8m) of the statutes is amended to read:

7 40.51 (8m) Every health care coverage plan offered by the group insurance
8 board under sub. (7) shall comply with ss. 631.95, 632.746 (1) to (8) and (10), 632.747,
9 632.748, 632.83, 632.835, 632.85, 632.853, 632.855, and 632.895 (11) to ~~(14)~~ (15).

10 **SECTION 3.** 66.0137 (4) of the statutes is amended to read:

11 66.0137 (4) SELF-INSURED HEALTH PLANS. If a city, including a 1st class city, or
12 a village provides health care benefits under its home rule power, or if a town
13 provides health care benefits, to its officers and employees on a self-insured basis,
14 the self-insured plan shall comply with ss. 49.493 (3) (d), 631.89, 631.90, 631.93 (2),
15 632.746 (10) (a) 2. and (b) 2., 632.747 (3), 632.85, 632.853, 632.855, 632.87 (4) and (5),
16 632.895 (9) to ~~(14)~~ (15), 632.896, and 767.25 (4m) (d).

17 **SECTION 4.** 111.91 (2) (n) of the statutes is amended to read:

18 111.91 (2) (n) The provision to employees of the health insurance coverage
19 required under s. 632.895 (11) to ~~(14)~~ (15).

20 **SECTION 5.** 120.13 (2) (g) of the statutes is amended to read:

BILL

1 120.13 (2) (g) Every self-insured plan under par. (b) shall comply with ss.
2 49.493 (3) (d), 631.89, 631.90, 631.93 (2), 632.746 (10) (a) 2. and (b) 2., 632.747 (3),
3 632.85, 632.853, 632.855, 632.87 (4) and (5), 632.895 (9) to ~~(14)~~ (15), 632.896, and
4 767.25 (4m) (d).

5 **SECTION 6.** 166.35 of the statutes is created to read:

6 **166.35 Rules specifying biological agents of terrorist attacks.** (1) In
7 this section, "biological agent" means any microorganism; including a bacterium,
8 virus, fungus, rickettsia, or protozoan; pathogen; or infectious substance; or any
9 naturally occurring, bioengineered, or synthesized component of a microorganism,
10 pathogen, or infectious substance; that is capable of causing disease or other
11 biological malfunction, including death, in a human.

12 (2) The division shall promulgate rules that specify biological agents that have
13 the potential for use in terrorist attacks.

14 **SECTION 7.** 185.981 (4t) of the statutes is amended to read:

15 185.981 (4t) A sickness care plan operated by a cooperative association is
16 subject to ss. 252.14, 631.17, 631.89, 631.95, 632.72 (2), 632.745 to 632.749, 632.85,
17 632.853, 632.855, 632.87 (2m), (3), (4), and (5), 632.895 (10) to ~~(14)~~ (15), and 632.897
18 (10) and chs. 149 and 155.

19 **SECTION 8.** 185.983 (1) (intro.) of the statutes is amended to read:

20 185.983 (1) (intro.) Every such voluntary nonprofit sickness care plan shall be
21 exempt from chs. 600 to 646, with the exception of ss. 601.04, 601.13, 601.31, 601.41,
22 601.42, 601.43, 601.44, 601.45, 611.67, 619.04, 628.34 (10), 631.17, 631.89, 631.93,
23 631.95, 632.72 (2), 632.745 to 632.749, 632.775, 632.79, 632.795, 632.85, 632.853,
24 632.855, 632.87 (2m), (3), (4), and (5), 632.895 (5) and (9) to ~~(14)~~ (15), 632.896, and

BILL

1 632.897 (10) and chs. 609, 630, 635, 645, and 646, but the sponsoring association
2 shall:

3 **SECTION 9.** 609.88 of the statutes, as affected by 2001 Wisconsin Act 16, is
4 amended to read:

5 **609.88 Coverage of immunizations.** Defined network plans are subject to
6 s. 632.895 (14) and (15).

7 **SECTION 10.** 632.895 (15) of the statutes is created to read:

8 **632.895 (15) COVERAGE FOR VACCINATIONS RELATED TO BIOTERRORISM.** (a) Subject
9 to par. (b) and except as provided in par. (c), every disability insurance policy, and
10 every self-insured health plan of the state or a county, city, village, town, or school
11 district, shall provide coverage of the cost of vaccines, and administration of the
12 vaccines, against all of the following:

13 1. Small pox.

14 2. Anthrax.

15 3. Any other disease or biological malfunction that is caused by a biological
16 agent that the division of emergency management specifies by rule under s. 166.35
17 as having the potential for use in a terrorist attack.

18 (b) The coverage required under this subsection may be subject to any
19 limitations, exclusions, or cost-sharing provisions that apply generally under the
20 disability insurance policy or self-insured health plan.

21 (c) This subsection does not apply to any of the following:

22 1. A disability insurance policy that covers only certain specified diseases.

23 2. A health care plan offered by a limited service health organization, as defined
24 in s. 609.01 (3), or by a preferred provider plan, as defined in s. 609.01 (4), that is not
25 a defined network plan, as defined in s. 609.01 (1b).

BILL**SECTION 11. Initial applicability.**

(1) This act first applies to all of the following:

(a) Except as provided in paragraphs (b) and (c), disability insurance policies that are issued or renewed, and self-insured health plans that are established, extended, modified, or renewed, on the effective date of this paragraph.

(b) Disability insurance policies covering employees who are affected by a collective bargaining agreement containing provisions inconsistent with this act that are issued or renewed on the earlier of the following:

1. The day on which the collective bargaining agreement expires.

2. The day on which the collective bargaining agreement is extended, modified, or renewed.

(c) Self-insured health plans covering employees who are affected by a collective bargaining agreement containing provisions inconsistent with this act that are established, extended, modified, or renewed on the earlier of the following:

1. The day on which the collective bargaining agreement expires.

2. The day on which the collective bargaining agreement is extended, modified, or renewed.

SECTION 12. Effective date.

(1) This act takes effect on the first day of the 6th month beginning after publication.

(END)